THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8926 OF 2004

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Dated: 12-12-2005

Between

Karri Subba Reddy, S/o. Rama Reddy, Occ: Cultivation,
R/o. Kutukuluru, Anaparti Mandal, East Godavari District and others.

...PETITIONERS

AND

The Superintendent Engineer, Irrigation Circle, Dowleswaram and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondent authority in proceeding with the construction of dam on Anapalamma Drainage situated at Vedurupaka Pasalpudi Road of East Godavari District without considering the objection dated 06.05.2004 and 07.05.2004 submitted by them along with other farmers as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are small farmers who made certain representations dated 06.05.2004 and 07.05.2004 to the respondent authority apprehending that by reason of construction of dam on Anapalamma Drainage their lands are likely to be submerged and requested the authority to stop the work.

Counter has been filed stating that pursuant to the said representations enquiries have been

made to clear the doubts of the petitioners but in spite of several efforts made to clear their doubts none of the petitioners have met the respondents to clarify the issue. It is further stated that the ayacutdars are utilizing the stored water due to formation of cross bund by lifting the water during Rabi season. In fact, three vents of screw gearing shutters of size 1.90 meters x 2.30 meters for the check dam have been proposed to discharge the drainage water of 18.57 cumecs. Therefore, there will not be any submergence of lands of the petitioners in view of the vents with shutters.

In view of the aforesaid counter that the lands of the petitioners will not be submerged, this Court is of the opinion that the question of considering and disposing the representations of the petitioners does not arise. However, at any point of time, if there is any likelihood that the lands of the petitioners would be submerged it is open for them to make representations and on such representations being made giving the residential particulars of the petitioners or any other ayacutdars before the Executive Engineer, Special Drainage Division, Kakinada, the same may be considered and disposed for taking appropriate steps to protect the lands of the petitioners.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 12, 2005

DSK